

MISSION STATEMENT

***To Improve the Quality of Life
For Those Who Live and Work in the District***

29 September 2006

Dear Councillor

You are hereby invited to a meeting of the **Licensing Committee** to be held in Committee Room 2, Civic Centre, Portholme Road, Selby on **Monday, 9 October 2006** commencing at **10.00 am**.

The agenda is set out below.

1. **Apologies for Absence and Notice of Substitution**

To receive apologies for absence and notification of substitution.

2. **Disclosure of Interest**

To receive any disclosures of interest in matters to be considered at the meeting in accordance with the provisions of Sections 94 and 117 of the Local Government Act 1972 or the National Code of Local Government Conduct.

3. **Minutes**

To confirm as a correct record the minutes of the proceedings of the meeting of the Licensing Committee held on 4 September 2006 (previously circulated).

4. **Procedure**

To outline the procedure to be followed at the meeting (pages 5 to 6 attached).

5. **Chair's Address to the Licensing Committee**

6. **Application by Leisure Link for an additional gaming machine at The Griffin Public House, Selby**

Report of Head of Service – Legal and Democratic Services (pages 7 to 15 attached).

7. **Gambling Policy**

Report of Head of Service – Legal and Democratic Services (pages 16 to 39 attached).

8. **Private Session**

That in accordance with Section 100(A)(4) of the Local Government Act 1972 in view of the nature of the business to be transacted, the meeting be not open to the Press and public during discussion of the following items as there will be disclosure of exempt information as defined in Section 100(i) of the Act as described in paragraph 3 of Part 1 of Schedule 12(A) of the Act.

9. **Complaint about behaviour of Hackney Carriage Driver**

Report of Head of Service – Legal and Democratic Services (pages 40 to 43 attached).



M Connor
Chief Executive
29 September 2006

Disclosure of Interest – Guidance Notes:

- (a) Councillors are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any item on this agenda, and, if so, of the need to explain the reason(s) why they have any personal or prejudicial interests when making a declaration.
- (b) The Democratic Services Officer or relevant Committee Administrator will be pleased to advise you on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

[Please note that the papers relating to the applications have been circulated to councillors of the Licensing Committee only, who should return the agenda to Democratic Services at the conclusion of the meeting to enable the papers to be destroyed confidentially].

Dates of Future Meetings of the Licensing Committee

Date
13 November 2006
11 December 2006
15 January 2007

Membership of the Licensing Committee 10 Members

Conservative

J Ashton
J Dyson
K McSherry
C Pearson (Vice Chair)
R Sayner (Chair)
D Peart

Labour

G Croston
D Davies
S Duckett

Independent

J McCartney

Enquiries relating to this agenda, please contact Tracey Peam on:

Tel: 01757 292022
Fax: 01757 292020
Email: tpeam@selby.gov.uk

Descriptions of Exempt Information

Part 1

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2

8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—
 - (a) the Companies Act 1985[3]
 - (b) the Friendly Societies Act 1974[4];
 - (c) the Friendly Societies Act 1992[5];
 - (d) the Industrial and Provident Societies Acts 1965 to 1978[6];
 - (e) the Building Societies Act 1986[7]; or
 - (f) the Charities Act 1993[8].
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992[9].
10. Information which—
 - (a) falls within any of paragraphs 1 to 7 above; and
 - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

LICENSING COMMITTEE

PROCEDURES TO BE FOLLOWED

The Licensing Committee acts in a quasi judicial capacity to give a fair hearing to an applicant where a hearing is required by law or equity. When considering the case the only evidence the Members of the Committee can take into account is evidence previously submitted to form the agenda and any verbal evidence given at the actual meeting by Officers representing the Council and by the applicant or his/her representative, and their witnesses. The following procedures must be followed.

1. Procedures to be followed when submitting an application to the Licensing Committee for consideration;
 - i) The Council's Officers will liaise with the Committee Section to arrange a suitable date for the meeting. The applicant and Members of the Committee will be informed of this date in writing and a copy of the procedure note will be included for the applicant.
 - ii) The applicant and Council's Officers will submit any written evidence to the Committee Section for inclusion in the agenda by a given date. If the evidence is to be verbal, this should be stated.
 - iii) If witnesses are to be called the Committee Section must be notified prior to the hearing.
 - iv) Any application for adjournment because of late submission of papers, will in principle be considered sympathetically by the Committee.
2. The procedure to be followed by the Licensing Committee:
 - i) For each individual case the applicant and any representatives will be shown into the Committee Room at the same time as the appropriate Council's Officers. Witnesses will enter the room at the same time unless there are any objections.
 - ii) The District Solicitor will introduce the applicant, any representatives, witnesses and the Council's Officers to the Members of the Committee.
 - iii) The Chair will introduce Members of the Committee.
 - iv) The Chair will then go through the procedure as follows:

- a) Officers representing the Council will present the case for the Council. They may present such witnesses as they believe are appropriate.
- b) Officers representing the Council, and any witnesses, will then answer questions from the applicant or his/her representative, and from Members of the Committee.
- c) The applicant or his/her representative will then present the applicant's case. They may present such witnesses as they believe are appropriate.
- d) The applicant or his/her representative, and any witnesses, will then answer questions from the Committee and the Council's Officers.
- e) The Council's Officers will then sum up on behalf of the Council.
- f) The applicant or his/her representative will then sum up.
- g) The applicant and his/her representative will then be asked whether they consider they have had a fair hearing and the Committee will take into account any comments, which are then made. The Chair of the Committee will then ask the Council's Officers presenting the case the same question and will again take account of any comments made.
- h) The Council's Officers, the applicant and his/her representative, all witnesses, will then withdraw from the meeting whilst the Committee makes their decision on the evidence presented.
- i) The applicant and his/her representative, the Council's Officers, all witnesses, will be invited back into the meeting to be informed of the Committee's decision.

Following the Committee meeting the Head of Legal Services will write to the applicant informing them of the decision of the Licensing Committee.

AGENDA ITEM NUMBER 6

PUBLIC SESSION

TITLE: APPLICATION BY LEISURE LINK ON BEHALF OF LAUREL PUB COMPANY FOR AN ADDITIONAL GAMING MACHINE AT THE GRIFFIN PUBLIC HOUSE, SELBY

TO: LICENSING COMMITTEE

DATE: 9TH OCTOBER, 2006

BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES

AUTHOR: TIM GROGAN – LICENSING OFFICER

1. LINK TO CORPORATE POLICY

To promote community safety.

2. PURPOSE OF THE REPORT

To bring to the attention of this Committee an application for an additional gaming machine.

3. **LINK TO CORPORATE AIMS AND PRIORITIES**

To work in accordance with Council aims and priorities.

RECOMMENDATION

THAT MEMBERS DECIDE WHETHER OR NOT TO GRANT LEISURE LINK A PERMIT TO ALLOW AN INCREASE OF GAMING MACHINES WITHIN THE GRIFFIN PUBLIC HOUSE, SELBY FROM THREE TO FOUR.

4. IMPACT ON CORPORATE POLICIES

4.1 Best Value

Not applicable.

4.2 Equalities

Not applicable.

4.3 Community Safety Crime Reduction

Not applicable.

4.4 Procurement

Not applicable.

4.5 Risk Management and Risk Register

Not applicable

4.6 Sustainability

Not applicable

4.7 Gershon Efficiency Savings

Not applicable.

5. EXECUTIVE SUMMARY

The Griffin Public House is currently permitted to use three gaming machines. The Licence holder, Laurel Pub Company, have authorised Leisure Link to increase this number of machines to four.

6. SUPPORTING INFORMATION

- 6.1 On the 22nd August, 2006, the Licensing Department received an application from Leisure Link on behalf of Laurel Pub Company to increase the number of gaming machines within the Griffin public house from three to four.
- 6.2 The Griffin public house is currently permitted three gaming machines under Section 34 of the Gaming Act 1968. These machines provide amusement with prizes. The maximum charge permissible for a game is 30p. The machines in question pay out a maximum of £25. There are no age restrictions in force for such machines.
- 6.3 Prior to the 24th November 2005, Gaming Machine Permits were issued by Licensing Justices at the Magistrates' Court. Following the introduction of the Licensing Act 2003, this responsibility was transferred to the Local Authority.
- 6.4 In addressing its new responsibilities under the Act, Selby District Council produced a Licensing Policy. Within this document at section 2.24, the Policy indicates that the Licensing Department will grant permits to licensed premises authorising the use of up to two machines but that any increase will necessitate the applicant attending a hearing before the Licensing Committee.
- 6.5 Section 2.25 of the Policy, indicates that the Licensing Committee will consider the size and layout of the licensed premises and evidence of usage and further demand in consequence of making their decision.

7. FINANCIAL IMPLICATIONS

The Council will receive a fee of £32 for the additional gaming machine if granted.

8. BACKGROUND DOCUMENTS

8.1 Application from Leisure Link.

8.2 Authority of Laurel Pub Company.

8.3 Section from Licensing Policy relevant to the application.

8.4 Selby District Council's Licensing Policy is held in the Legal Department.

Copy

Sherratt
Stem

Leisure Link
3 The Maltings
Wetmore Road
Burton-on-Trent
Staffordshire
DE14 1SE

Telephone
01283 512 777

Facsimile
01283 519 200

Web site
www.leisure-link.com

Licensing Section
THE CIVIC CENTRE
PORTHOLME ROAD
SELBY
YO8 4SB



24 August, 2006

Our Ref : 175308/404

Dear Sir

Re : GRIFFIN HOTEL

Please find enclosed an application for the grant of the Section 34 Gaming Machine Permit in respect of the above premises, together with our cheque to the value of £32.00.

Can you please advise of the approximate time scale in which this application will be dealt with. I have enclosed our acknowledgement form and a pre-paid envelope for your use.

If you require any further information please contact the undersigned.

When granted, will you please send the permit to this office in the second pre-paid envelope. We will forward the permit directly to site once a photocopy has been taken for our records.

Yours faithfully

E. J. Sherratt

Emma J Sherratt
Licensing Assistant

enc

Our Ref: 175308/404

Please Return To :

Leisure Link
3 The Maltings
Wetmore Road
Burton-upon-Trent
Staffordshire
DE14 1SE

From :

Licensing Section
THE CIVIC CENTRE
PORTHOLME ROAD
SELBY
YO8 4SB

Date : 24-Aug-06

Name of Applicant(s) : Laurel Pub Company

Address : GRIFFIN HOTEL

I acknowledge receipt of your cheque to the value of £32.00.

Your application is due to be heard Date :

Time : Place :

Applicant(s) to attend the hearing **YES/NO** (delete as applicable)

Any additional remarks :

If granted the Permit will be sent to :

Signed :

APPLICATION FOR THE GRANT OF A PERMIT FOR THE USE OF AMUSEMENT WITH
PRIZES MACHINES UNDER THE GAMING ACT 1968 (SECTION 34)
- FOR USE BY PREMISES LICENSED TO SELL ALCOHOL

To: Selby District Council	
Head of Environmental Services / Chief Executive	

1. Name of Premises.....Griffin Hotel.....
2. Address of Premises.....42 Micklegate, Selby, North Yorkshire. YO8 4EQ.....
3. Telephone number of Premises.....01757...703...227.....
4. E-mail address of Premises (where available).....
5. Name of Premises Licence holder.....Laurel Pub Company.....
6. Address of Premises Licence holder.....Porter Tun House, 500 Capability Green, Luton, Bedfordshire. LU1 3LS.....
7. Telephone number (daytime) of Premises Licence holder.....07002...528735.....
8. E-mail address of Premises Licence holder (where available).....
9. Name, address, telephone and e-mail of agent (e.g. solicitor) if submitted on behalf of the applicant
Emma Sherratt. Leisure Link, 3 The Mallings, Wetmore Road, Burton On Trent, Staffordshire. DE14 1SE
Tele: 01283 512777. Ext: 2134. E-mail: emma.sherratt@llq.co.uk
10. Premises Licence Reference (i.e. number, where provided).....
11. How many gaming machines under Section 34 do you wish to apply for? (See Note 8)
(please indicate how many *in total*..... Four.....

I enclose a sum of (£32) (cheques should be made payable to Selby District Council)

I confirm that the premises where the machines are proposed to be located are licensed to sell alcohol for consumption on the premises and that there is a bar for serving alcohol to customers on the premises.

Please note: Where false information is provided this may affect the validity of the permit and the extent to which it can be relied on as lawful authority for making gaming machines available on the premises.

Dated 22 August 2006.....

Signed (by or on behalf of Premises Licence holder) E.S. Sherratt.....

Print Name EMMA S. SHERRATT.....

Notes:

1. This form is to be used for the GRANT of a permit or to increase the number of machines licensed. There is a separate form for RENEWAL.
2. The relevant statutory provisions are set out in Section 34 and Schedule 9 Gaming Act 1968 as amended by Licensing Act 2003 Schedule 6, paragraph 52 and Gambling Act 2005 Schedule 16, paragraphs 3(7) and (8).
3. The premises must be licensed under the Licensing Act 2003 to sell alcohol.
4. The AWP machines must be located on these licensed premises and there must be a bar for serving alcohol to customers on the premises.
5. A Premises Licence holder is a person holding a Premises Licence under the Licensing Act 2003.
6. There is no statutory limit to the number of machines you may apply for, however you may wish to contact the Council to ask whether there is a local policy that decisions on applications for certain numbers of machines are made via a hearing of local councillors. The Government has suggested that hearings should not be required where no more than two machines are applied for.
7. The minimum time period for which your permit can be granted is three years. Beyond this, the Council can decide how long your permit is granted for, however the Government has suggested that three years is appropriate.
8. Section 34 of the Gaming Act 1968 provides for two types of gaming machines which are:
 - i) Amusement with Prizes "coin or token" i.e. maximum stake 30p and maximum prize £5 cash or £8 non-cash (Section 34(1) Gaming Act 1968)
 - ii) Amusement with Prizes "all cash" i.e. maximum stake 30p and maximum prize £25 (Section 34(5E) Gaming Act 1968)

The application needs to be made for the **total number** of machines. This enables any combination of either type to be utilised up to the maximum number licensed.



LAUREL

P U B L I C C O M P A N Y

Dear Sir/Madam,

We are writing to confirm that as the owner/licensee of a number of premises which operate Section 34 Gaming Permits, we hereby authorise Leisure Link Electronic Entertainment Limited to make applications for the grant of or renewal of Section 34 Gaming Machine Permits under the Gaming Act 1968 on our behalf in respect of gaming machines supplied or to be supplied to all of our premises.

Signed:

Duly authorised to sign on behalf of [company name]

Position:

C. E. O.

Date:

24-11-05

The Laurel Pub Company Limited
Porter Tun House, 500 Capability Green,
Luton, Bedfordshire LU1 3LS
Tel: 07002 LAUREL (528735)
www.laurelpubco.com



14



BSTORS IN PEOPLE

- 2.16 The Council expects to balance the needs of the wider and local communities, businesses against the needs of those who may be adversely affected by the applicant's activities.
- 2.17 Should the Council require to depart from the guidance provided a clear and sound reason for doing so will be published.
- 2.18 The Council may establish a Licensing forum made up of representatives from licensed premises, personal licensees, businesses, residents and other interested parties to meet periodically to discuss matters relating to the Policy.
- 2.19 The Licensing Committee will receive reports from those service departments and committees with responsibility for transport, tourism, the District's economy, cultural strategy and local employment at recognised intervals to ensure that issues can receive appropriate consideration.
- 2.20 The Licensing Committee may provide reports to the Planning Committee regarding Licensed Premises within the District. Such reports may include numbers and types of licensed applications received per ward.
- 2.21 The Licensing Committee will seek to impose only those conditions appropriate when licensing cultural events in order to promote the objectives of the Act.
- 2.22 The Council will monitor the impact of licensing on both regulated entertainment and the sale and supply of alcohol within the community and react accordingly.

GAMING MACHINES

- 2.23 Permits under Section 34 of the Gaming Act 1968, currently granted by the Licensing Justices for Amusements With Prizes Machines (AWPs) in premises that provide alcohol are now within the remit of the Licensing Act 2003 and therefore the Licensing Committee.
- 2.24 Despite the Gaming Act requiring that all machines be sited within view of the bar, this condition cannot be applied by the Council. The Licensing Committee can merely limit the number of machines. The Council will grant permits authorising up to two machines but any increase will necessitate the applicant attending a hearing.
- 2.25 This hearing will consider the size and layout of the premises and evidence of usage and further demand.

AGENDA ITEM NUMBER 7

PUBLIC SESSION

TITLE: GAMBLING POLICY

TO: LICENSING COMMITTEE

DATE: 9TH OCTOBER, 2006

BY: HEAD OF LEGAL AND DEMOCRATIC SERVICES

AUTHOR: TIM GROGAN, ENFORCEMENT OFFICER – LICENSING

1. LINK TO COUNCIL POLICY

To promote community safety.

2. PURPOSE OF THE REPORT

The purpose of this report is to present the District Council's Gambling Policy.

3. LINK TO CORPORATE THEMES AND PRIORITIES

It is a corporate objective of the Council to promote health and leisure provision.

RECOMMENDATION

That the Gambling policy prepared under the authority of the Gambling Act 2005 be recommended for approval by Full Council.

4. IMPACT ON CORPORATE POLICIES

4.1 Best Value

Not applicable.

4.2 Equalities

Not applicable.

4.3 Community Safety and Crime Reduction

Not applicable.

4.4 Procurement

Not applicable.

4.5 Risk Management and Risk Register

Not applicable.

4.6 Sustainability

Not applicable.

4.7 Gershon Efficiency Savings

Not applicable.

5. EXECUTIVE SUMMARY

In line with Government policy Selby District Council is required to provide a policy with regard to the introduction of the Gambling Act 2005. A policy has been prepared and following consultation, is submitted for approval.

6. SUPPORTING INFORMATION

6.1 The Gambling Policy was originally drafted in May 2006. Consultation has been wide and varied and has involved all statutory bodies in addition to other interested parties. The consultation began on 12th June and ended on 12th September, 2006.

6.2 The Policy will have an impact on the manner the District Council conducts its approach to gambling.

6.3 The aim is to consider how the Policy could impact on persons who may be vulnerable to gambling and how to maximise positive impacts and minimise potentially negative impacts.

7. FINANCIAL IMPLICATIONS

There will be financial implications as the new Act will include fees for new permits. However, the Government have not yet provided these regulations

8. BACKGROUND DOCUMENTS

8.1 The Gambling Policy is attached for consideration.

8.2 The Gambling Act 2005 is available in the Legal Section.

Draft Copy

GAMBLING POLICY

GAMBLING ACT 2005

DRAFT

CONTENTS

Item	Page
Part A	
1. The licensing objectives	2
2. Introduction	2
3. Declaration	4
4. Responsible Authorities	4
5. Interested parties	4
6. Exchange of information	5
7. Enforcement	5
8. Licensing authority functions	6
Part B - Premises licences	
1. General Principles	8
2. Adult Gaming Centres	10
3. (Licensed) Family Entertainment Centres	11
4. Casinos	11
5. Bingo	12
6. Betting premises	12
7. Tracks	12
8. Travelling fairs	14
9. Provisional Statements	14
10. Reviews	14
Part C – Permits / Temporary and Occasional Use Notices	
1. Unlicensed Family Entertainment Centre gaming machine permits	15
2. (Alcohol) Licensed premises gaming machine permits	16
3. Prize Gaming Permits	16
4. Club Gaming and Club Machines Permits	17
5. Temporary Use Notices	18
6. Occasional Use Notices	18

This Statement of Licensing Policy has been drafted at a time when a number of regulations, Operating / Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these impact upon the content of this document it will need to be borne in mind and amended at a later stage, bearing in mind resource implications for the authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance

DRAFT

PART A

1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

It should be noted that the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling".

2. Introduction

Selby District Council is situated in the County of North Yorkshire. It covers an area of 227 square miles and is situated to the south of the city of York. The district's population is 76,500 and the principal towns are Selby, Tadcaster and Sherburn-in-Elmet. The council area is mainly rural in character and aspect with a dispersed settlement plan. There are 59 Parish Councils as well as various Parish and Community meetings. Selby in particular is of historical importance built as it is around Selby Abbey. As a consequence tourism and leisure are important industries. Detail of the district is shown in map below.

DRAFT



Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and that any amended parts re-consulted upon. The statement must be then re-published.

The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

List of persons this authority shall also consult:

- Local Councillors/responsible authorities(including police)
- Gambling businesses/related businesses
- Residents associations/Parish Councils
- North Yorkshire County Council Review & Quality Section

DRAFT

Our consultation will take place between **12th June and 12th September 2006** and we will follow the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>

<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

The full list of comments made and the consideration by the Council of those comments will be available by request to: **The Licensing Team, Selby District Council, Civic Centre, Portholme Road, Selby YO8 4SB, Tel 01757 292027, licensing@selby.gov.uk.**

The policy will be approved at a meeting of the Full Council and will be published via our website. Copies will be placed in the public libraries of the area as well as being available in the Council Offices.

Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name:-Licensing Team, Selby District Council

Address:-Civic Centre, Portholme Road, Selby YO8 4SB

E-mail:-licensing@selby.gov.uk

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

In producing the final licensing policy statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the policy statement.

4. Responsible Authorities

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the North Yorkshire County Council, Review & Quality, St James Lodge, Masonic Lane, Thirsk, North Yorkshire, YO7 1PS for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 will be available via the Council's website at : www.selby.gov.uk.

DRAFT

5. Interested parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorities activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15 (*Note though that decisions on premises licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153)*). It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and MP's. Other than these persons, this authority will require written evidence that a person 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department (see above).

6. Exchange of Information

Licensing authorities are required to include in their policy statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the

DRAFT

exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

7. Enforcement

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission.

DRAFT

This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement policy when finalised, will be available upon request from the licensing team (see *address above*).

8. Licensing Authority functions

Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- Issue *Provisional Statements*
- Regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing *Club Gaming Permits* and/or *Club Machine Permits*
- Issue *Club Machine Permits* to *Commercial Clubs*
- Grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Grant *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register *small society lotteries* below prescribed thresholds
- Issue *Prize Gaming Permits*
- Receive and Endorse *Temporary Use Notices*
- Receive *Occasional Use Notices*
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via Operator Licences.

The Gambling Commission has recommended that licensing authorities include a list of licensable activities in their policy statements. LACORS(who represent local authorities) has requested a definitive list from the Gambling Commission and this may be incorporated into this policy statement once provided.

DRAFT

PART B PREMISES LICENCES

1. General Principles

Premises Licences will be subject to the permissions/restrictions set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.

Definition of "premises" - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:

- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises

DRAFT

with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this policy statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

Duplication with other regulatory regimes - This authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. This authority will though listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

Licensing objectives - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required

DRAFT

and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below).

Protecting children and other vulnerable persons from being harmed or exploited by gambling - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking to offer a definition but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Conditions - Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may

DRAFT

include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

Door Supervisors - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that the Gambling Act 2005 has amended the Security Industry Act and that door supervisors at casinos or bingo premises cannot be licensed by the Security Industry Authority. This licensing authority therefore has specific requirements for door supervisors working at casinos or bingo premises which will include the need for a current CRB check and evidence that suitable and sufficient training covering how such staff would deal with unsupervised children being on the premises or children causing perceived problems on/or around the premises. This is in recognition of the nature of

DRAFT

the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances / machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

2. Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

3. (Licensed) Family Entertainment Centres:

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes

DRAFT

- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published

4. Casinos

No Casinos resolution - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide to pass such a resolution, the policy statement will be updated to include details of that resolution.¹

Casinos and competitive bidding - This licensing authority is aware that where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.

Licence considerations / conditions - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for Local Authorities - 17.30). This guidance will be considered by this licensing authority when it is made available.

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

5. Bingo premises

This licensing authority notes that the Gambling Commission's Guidance states:

¹ In addition, the Gambling Commission's Guidance for local authorities states that licensing policy statements should include details about how the authority has taken or will take a decision to pass (or not to pass) a casino resolution." (6.33)

DRAFT

18.4 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this Licensing Authority once it is made available.

6. Betting premises

Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

7. Tracks

This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This Authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas

DRAFT

- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-baring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Gaming machines - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

Betting machines - This Licensing Authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

Applications and plans - This Licensing Authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

DRAFT

This Licensing Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

8. Travelling Fairs

It will fall to this Licensing Authority to decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

9. Provisional Statements

This Licensing Authority notes the Guidance for the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority can inspect it fully".

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority's opinion reflect a change in the operator's circumstances.

This authority has noted the Gambling Commission's Guidance that "A Licensing Authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

10. Reviews:

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for

DRAFT

the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

The Licensing Authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate.

PART C **Permits / Temporary & Occasional Use Notice**

1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 para 7)

Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for Local Authorities also states: "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits...., Licensing Authorities will want to give weight to child protection issues.(24.6)

Guidance also states: "... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application.... Licensing Authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a Licensing Authority cannot attach conditions to this type of permit.

DRAFT

Statement of Principles This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

2. (Alcohol) Licensed premises gaming machine permits – (Schedule 13 Para 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This Licensing Authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre premises licence.

DRAFT

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3. Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))

The Gambling Act 2005 states that a Licensing Authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the Licensing Authority propose to consider in determining the suitability of the applicant for a permit”.

This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance for local authorities states: “Members clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the

DRAFT

position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises."

DRAFT

6. Occasional Use Notices:

The Licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. The licensing authority will though need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.